Council Procedures Bylaw

Rural Municipality of Mariposa No. 350

BYLAW NO.1-2016

A BYLAW TO REGULATE THE PROCEEDINGS OF MUNICIPAL COUNCIL AND COUNCIL'S COMMITTEES

The Council of the Rural Municipality of Mariposa No. 350 in the Province of Saskatchewan enacts as follows:

PART I – INTERPRETATION

1. Short Title

1.1 This bylaw may be cited as "The Procedure Bylaw".

2. Purpose

2.1 The purpose of this bylaw is to establish clear, transparent, consistent and accessible rules for conducting business at meetings, for council members, administrations and the public to follow and participate in governing the municipality and for council in establishing council committees.

3. Definitions

3.1 In this bylaw:

(a) "Act" means The Municipalities Act.
(b) "Acting reeve" means the councillor elected by council to act as the reeve if a vacancy arises in that office.
(c) "Adjourn" means to suspend proceedings to another time or place.
(d) "Administration" means the administrator or an employee accountable to the administrator.
(e) "Administrator" means the person appointed as administrator pursuant to section 111 MA.
(f) "Agenda deadline" means the time established in subsection 13.4 of this bylaw.
(g) "Amendment" means an alteration to a main motion by substituting, adding or deleting a word or words without materially altering the basic intent of the motion.
(h) "Business day" means a day other than a Saturday, Sunday or holiday.
(i) "Chair" means a person who has the authority to preside over a meeting.
(j) "Committee" means a committee, board, authority or other body duly appointed by council.
(k) "Communications" include, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or newspaper/magazine article.
(l) "Council" means the reeve and councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
(m) "Councillor" means the council member duly elected in the municipality as a councillor, in accordance with *The Local Government Election Act*.

(n) “Deputy reeve” means the councillor who is appointed by council, pursuant to section 32 of this bylaw, to act as reeve in the absence or incapacity of the reeve.
(o) “Reeve” means the council member duly elected in the municipality as the reeve in accordance with: *The Local Government Election Act*.
(p) “Member” means the reeve, councillor or an appointed individual to a committee, commission or board of council.
(q) “Motion” means a formal proposal placed before a meeting in order that it may be debated to a conclusion.
(r) “Mover” means a person who presents or proposes a motion or amendment.
(s) “Municipality” means the Rural Municipality of Mariposa No. 350.
(t) “Order of business” means the list of items comprising the agenda and the order in which those items appear on the agenda.
(u) “Point of order” means the raising of a question by a member in a meeting claiming that the procedures of the meeting or of an individual council member are contrary to the procedural rules or practices.
(v) “Point of privilege” is the raising of a matter by a member which occurs while the council is in session, where:
    i. the rights, privileges, decorum or dignity of the council collectively or the rights and privileges of a member individually have been affected,
    ii. when a member believes that another member has spoken disrespectfully toward them or the council, or
    iii. when a member believes their comments have been misunderstood or misinterpreted by another member or members; or
    iv. when a member believes that comments made by the member outside the council Chamber have been misinterpreted or misunderstood by the Community, the public or the news media in order to clarify his or her position.
(w) “Point of procedure” means a question directed to the person presiding at a meeting to obtain information on the rules or procedures bearing on the business at hand.
(x) “Public hearing” means a meeting of council or that portion of a meeting of council which is convened to hear matters pursuant to:
    i. *The Municipalities Act*
    ii. *The Planning and Development Act, 2007*;
    iii. any other Act; or
    iv. a resolution or bylaw of council.
(y) “Quorum” is, subject to sections 98 of the Act:
    i. in the case of council, a majority of the whole council,
    ii. in the case of a committee, a majority of the members appointed to the committee.
(z) “Recess” means an intermission or break within a meeting that does not end the meeting, and after which proceedings are immediately resumed at the point where they were interrupted.
(aa) “Resolution” means a formal determination made by council or a committee on the basis of a motion, duly placed before a regularly constituted meeting or a special meeting of council or a committee for debate and decision, and is duly passed.

(bb) "Special committee" means a committee appointed by council at any time to deal with a specific issue(s) and exist for a length of time required to review the issue(s) and make recommendations to council.

(cc) "Special meeting" means a meeting other than a regular scheduled meeting called pursuant to Section 123 of the Act or the provisions of this bylaw.

(dd) "Subcommittee" means a committee established by a committee, Commission or board to review and report on an aspect of the committee, Commission or board's business.

(ee) "Old Business" means business which has been raised at the same, or a previous meeting, and which has not been completed.

(ff) "Urgent Business" means a time sensitive matter which requires council's immediate and urgent consideration.

3.2 A reference in this bylaw to an enactment of the Legislative Assembly of Saskatchewan is a reference to the enactment as amended from time to time.

4. Application

4.1 This bylaw applies to all meetings of council and committees.

4.2 Notwithstanding subsection 4.1, council may by resolution or bylaw allow a board and committee to establish its own procedures.

4.3 When any matter relating to proceedings arise which is not covered by a provision of this bylaw, the matter shall be decided by reference to Robert's Rules of Order.

4.4 In the event of any conflict between the provisions of this bylaw and those contained in any of the other authorities set out above, the provision of this bylaw shall apply.

4.5 Subject to subsection 4.3, any ruling of the reeve or chair shall prevail, subject, however, to the jurisdiction of council or the committee to consider any appeals of those rulings.

PART II – MEETINGS

5. First Meeting

5.1 The first meeting of council shall be held at a time, date and place determined by the administrator as per Section 121 MA, immediately following a general election.

5.2 At the first meeting of council:

(a) the Returning Officer shall provide council with a copy of the declaration of results with respect to the election; and

(b) every council member shall take the oath of office pursuant to the Act.

6. Regular Meetings

6.1 Regular meetings of council shall be held on the second Wednesday of each month commencing at 9:00 a.m. from November to March and at 8:00 a.m. from April until October.

6.2 In the event of any meeting date falling on a statutory or civic holiday or any day appointed as a holiday by proclamation of the Governor-General of Canada, the Lieutenant Governor of Saskatchewan, or the reeve, such meetings shall be held on a date so moved by council.

6.3 Annually the administrator shall submit a regular schedule of council meetings to council for approval as set out in subsections 6.1 and 6.2, or may recommend alternate meeting dates.

6.4 Notwithstanding the foregoing provisions, council may, by resolution, dispense with or alter the time of a regular meeting of council.

6.5 Council may, by resolution, authorize the reeve to reschedule a regular meeting of council pursuant to the Act during a period of time to be specified within the resolution.

7. Special Meetings

7.1 The administrator shall call a special meeting of council, whenever requested to do so, in writing, by the reeve or a majority of the members.

7.2 The written request referred to in subsection 7.1 shall include all items of business to be transacted.

7.3 Form 1, appended hereto and forming a part of this bylaw, shall be the form used to direct the administrator to call a special meeting of council.

7.4 When a special meeting is to be held, the administrator shall provide written notice of the time, date and place of the meeting to all members pursuant to section 10 of this bylaw and to the public at least twenty-four (24) hours prior to the meeting and, in general terms, of the business to be transacted at the meeting.

7.5 Notwithstanding subsection 7.2, a special meeting may be held with less than twenty-four (24) hours' notice to members, and without notice to the public, if all members agree to do so, in writing, immediately before the beginning of the special meeting.

7.6 No business, other than that stated in the notice, shall be transacted at a special meeting, unless all the members are present and, by unanimous consent, they authorize other business to be transacted.

8. Meeting through Electronic Means

8.1 This municipality will not conduct meetings through electronic means due to limited technology.

9. Notice of Meetings

9.1 Notice of regularly scheduled council meetings is not required to be given.

9.2 If council changes the date, time or place of a regularly scheduled meeting, at least twenty-four (24) hours' notice of the change will be given to:

(a) any members not present at the meeting at which the change was made; and,

(b) the public.

9.3 If a regular meeting date needs to be changed outside of a regular scheduled meeting, unanimous consent of council is required.

10. Method of Giving Notice

10.1 Notice of a council meeting is deemed to have been given to a member if the notice is:

(a) delivered personally;

(b) left at the usual place of business or residence of the member; or

(c) at the request of the member, sent by ordinary mail, telephone or voice mail, facsimile or electronic mail or similar method at the number or to the address specified by the member.

10.2 Form 2, appended hereto and forming a part of this bylaw, shall be the form used to request the administrator to use an alternate method of providing notice of meetings.

10.3 Notice of a council meeting is to be given to the public by posting notice of the meeting at the municipal office.

11. Actions in Public

11.1 An act or proceeding of council is not effective unless it is authorized or adopted by bylaw or a resolution at a duly constituted public meeting of council.

11.2 Every person has the right to be present at council meetings that are conducted in public unless the person presiding at the council meeting expels a person for improper conduct.

12. Closed Sessions

12.1 Council may close all or any part of its meetings to the public if the matter to be discussed:

(a) is within one of the exemptions of Part III of *The Local Authority Freedom of Information and Protection of Privacy Act;* or

(b) concerns long-range or strategic planning.

12.2 A resolution to move into closed session shall state, in general terms, the topic of discussion.

12.3 Where council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:

(a) the members of council;

(b) the administrator and other members of administration as the members of council may deem appropriate; and

(c) such members of the public as may be allowed to attend by the council.

12.4 Where council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the administrator shall record in the minutes thereto:

(a) the time that the in-camera portion of the meeting commenced and concluded;

(b) the names of the parties present; and

(c) the legislative authority including the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.

12.5 No resolutions or bylaws may be passed during a closed meeting.

12.6 No business other than that described within the resolution pursuant to subsection 12.2 may be discussed.

12.7 Matters discussed or to be discussed in a closed meeting are to be kept in confidence until discussed at a public meeting of council, unless otherwise provided for in this bylaw.

PART III – COUNCIL MEETING PROCEDURES

13. Agendas

13.1 The administrator shall prepare the agenda for all regular and special meetings of council.

13.2 The agenda shall include the order of business and all items of business and associated reports, bylaws or documents and shall be set out in accordance with the order of business.
13.3 The administrator shall ensure that the council agendas are delivered to each member no later than 24 hours immediately preceding the council meeting.
13.4 The administrator shall ensure that the council agendas are available to the general public no later than 24 hours.
13.5 If, for any reason, the administrator is unable to meet the deadline mentioned in subsection 13.3, the administrator shall prepare and distribute the agenda as soon as reasonably possible to allow council members an opportunity to review the agenda prior to the council meeting.
13.6 All administrative reports, communication from the public, requests, or any other material intended for inclusion in a council agenda must be received by the administrator no later than 1 day prior to the meeting.
13.7 Council may, on a majority vote, permit additional material on the agenda.

14. Urgent Business

14.1 The administration may request to add a matter to the agenda of a meeting as urgent business after the agenda has been prepared and distributed by the administrator.
14.2 In these circumstances, the administration shall submit a report to the administrator including an explanation of the reasons and degree of urgency of the matter as soon as possible.
14.3 The administrator shall distribute any requests from the administration to add a matter of urgent business to the agenda to the members as soon as they are available.
14.4 During the confirmation of the agenda, a member may move to add a report, communication or delegation to the agenda if the matter arises from an unforeseeable situation of urgency.
14.5 Council may only consider a matter of urgent business by a majority vote of members present.

15. Order of Business at Meetings

15.1 The general order of business of every regular council meeting shall be as follows:
(a) Call to order;
(b) Approval of agenda;
(c) Adoption of minutes;
(d) Reports of administration and committees;
(e) Notice of proclamations;
(f) Presentations and recognitions;
(g) Public hearings;
(h) Delegations;
(i) Communications;
(j) Mayor / reeve and councillors forum;
(k) Old business;
(l) New business
(m) Accounts, and
(n) Adjournment.

15.2 The business shall, in all cases, be taken up in the order in which it stands on the agenda, unless:
(a) otherwise determined upon motion passed by a vote of the majority of the members present to approve the agenda and which vote shall be placed without debate; or
(b) the reeve determines during the proceedings of council that for public interest a matter be moved forward to be dealt with promptly.

16. Commencement of Council Meeting

16.1 At the hour set for the meeting, or as soon as all members of council present, the reeve, or in his or her absence the deputy reeve, shall take the chair and call the members to order.

16.2 In case neither the reeve nor the deputy reeve is in attendance within 15 minutes after the hour appointed, and subject to a quorum being present, council shall appoint an acting reeve pursuant to section 35 of this bylaw who shall call the meeting to order and shall preside over the meeting until the arrival of the reeve or the deputy reeve, and all proceedings of such meeting shall be deemed to be regular, and in full force and effect.

16.3 If a quorum is not present 15 minutes after the time appointed for the meeting, the administrator shall record the names of the members present at the expiration of such time and announce that council shall then stand adjourned until the next meeting, unless a special meeting is called in the meantime.

16.4 Subject to the Act, if at any meeting the number of members is reduced to less than the number required for a quorum, council shall stand adjourned.

16.5 Any unfinished business remaining at the time of the adjournment, due to the loss of the quorum, shall be considered at the next regular meeting, or it shall be placed on the agenda for a special meeting called for the purpose of dealing with the unfinished items.

16.6 Members are encouraged to notify the administrator when the member is aware that he or she will be absent from any meeting of council.

17. Quorum

17.1 A quorum of council is a majority of members.

17.2 Any act or proceeding of council that is adopted at any council meeting at which a quorum is not present is invalid.

18. Minutes

18.1 The administrator shall record the minutes of each council meeting without note or comment and shall distribute copies of the minutes to each member at least twenty-four (24) hours prior to a subsequent council meeting.

18.2 The names of the members present at the meeting are to be recorded in the minutes of every meeting.

18.3 Any member may make a motion amending the minutes to correct any mistakes.

18.4 The minutes of each meeting are to be approved at the next regular meeting of the council and signed by the presiding member and the administrator in accordance with the Act.

19. Proclamations

19.1 All requests for proclamations shall be submitted to the reeve for approval, outlining the date to be proclaimed, specific name of day, week or month requested, the reason for the proclamation and information about the group, including contact person and telephone number at least fourteen (14) days prior to the proposed date for the proclamation. However, exceptions may be made in extenuating circumstances.

19.2 Subject to The Saskatchewan Human Rights Code, the reeve may, in his or her sole discretion, approve the proclamation submitted pursuant to subsection 19.1, provided the proclamation does not:

(a) promote any commercial business, unless, at the discretion of the reeve, the Proclamation provides a significant benefit to the community;

(b) involve any person or organization which promotes hatred of any person or class of persons or otherwise involves illegal activity; or

(c) contain any inflammatory, obscene or libelous statement.

19.3 The reeve may:

(a) issue the proclamation:

i. in the words and form of the proclamation as submitted; or

ii. in words and form chosen by the reeve; or

(b) forward the proclamation for consideration by council.

19.4 Once the proclamation has been approved, the proclamation shall be noted on the appropriate council agenda as information.

19.5 Council, having delegated the administration of proclamations, shall not hear delegations related to proclamation requests, unless specifically approved by council.

19.6 Each organization shall be responsible for any costs and the disseminating of the proclamation to the media and making arrangements for the attendance of the reeve or councillors at the specific function or event.

19.7 The local media are requested:

(a) not to publish any proclamation claiming to be proclaimed by the reeve unless it bears his or her signature; and

(b) when publishing a proclamation by the reeve, that the proclamation contain only the following:

i. the crest of the municipality;

ii. the name of the municipality; and

iii. the text of the proclamation.

20. Presentations & Recognitions

20.1 Presentations shall be listed on the agenda when authorized by the reeve and shall be intended to recognize an individual or group on behalf of council for some award or similar honour which they have received or for a group or individual to present to council some award or similar honour which the municipality has been awarded.

21. Public Hearing

21.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of this section.

21.2 The procedure by which the public hearing will be conducted or by which public input will be obtained shall be as follows:

(a) the reeve shall declare the hearing on the matter open;

(b) the administration shall present a report on the bylaw or resolution under consideration including the administration recommendations;
(c) if it is a hearing that involves an applicant, the applicant shall be given an opportunity to make representations on the matter under consideration;
(d) after the applicant, any person or group of persons or spokesperson acting on behalf of another person or group shall be given an opportunity to make representations on the matter under consideration;
(e) if it is a hearing that involves an applicant, at the conclusion of the speakers, the applicant shall be given an opportunity to respond to the representations of other people;
(f) council may request further information from administration;
(g) council shall formally receive all communications and written reports submitted to it on the subject matter of the hearing;
(h) the reeve shall declare the hearing closed; and
(i) council shall then consider the matter and at the conclusion of the deliberations, council shall vote on the bylaw or resolution in accordance with the procedures contained in this bylaw.

21.3 The time allowed for each person making representations shall be 30 minutes.

21.4 A hearing may be adjourned to a certain date.

21.5 A member shall abstain from taking part in the debate or voting on the bylaw or resolution, which is the subject of the hearing if the member was absent from any part of the public hearing.

22. <u>Communications - General</u>

22.1 When a person wishes to have a communication considered by council, it shall be addressed to council, and:
(a) clearly set out the matter in issue and the request; and
(b) for written communications, must be printed, typewritten or legibly written, contain the mailing address of the writer and be signed with the name of the writer; or
(c) for electronic communication, must contain the name of the writer and both the mailing and electronic address of the writer.

22.2 A communication received by the administrator which contains or relates to personal information shall be dealt with in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.

22.3 Bound documents or studies in support of the delegation's notice shall, if sufficient copies are provided by the delegation, be circulated to members, but will not be reproduced.

23. <u>Communications – Matters on council Agenda</u>

23.1 A written communication pertaining to a matter already on a council agenda must be received by the administrator no later than the agenda deadline in order to be included on the council agenda.

23.2 A written communication received before the agenda deadline shall be placed by the administrator on the council agenda and shall be dealt with when the matter is considered by council at its meeting.

23.3 In the event that the communication to the administrator is received after the agenda deadline, regarding a subject which is on the agenda, the administrator will bring the request to the attention of council:

(a) The individual will be advised by the administrator that the communication may not be considered by council unless the majority of members vote to allow the communication within the motion to approve the agenda.

24. Communications – Matters not on Council Agenda

24.1 A written communication received before the agenda deadline shall be placed by the administrator on the council agenda and shall be dealt with when the matter is considered by council at its meeting.

24.2 In the event that the communication to the administrator is received after the agenda deadline, regarding a subject which is not on the agenda, the administrator will bring the request to the attention of council.

24.3 The individual will be advised by the administrator that the communication may not be considered by council unless the majority of members vote to allow the communication within the motion to approve the agenda.

25. Delegations – Matters on Council Agenda

25.1 When a person wishes to speak to council on a matter already on a council agenda, for which a hearing is not required, that person shall notify the administrator in writing, which notice shall include the following:

(a) the name and correct mailing address of the spokesperson;
(b) telephone number where the representative of the delegation can be reached during the day;
(c) originally signed, except when submitted by facsimile or e-mail; and
(d) clearly setting out the subject matter to be discussed and the request being made of council.

25.2 A request to speak to council pursuant to subsection 25.1 must be received by the administrator no later than the agenda deadline in order to be included on the council agenda.

25.3 In the event that a delegation makes an application to the administrator after the agenda deadline, regarding a subject which is on the agenda, the administrator will bring the request to the attention of council:

(a) Delegations will be advised by the administrator that they may not be heard by council unless the majority of members vote to allow the delegation to speak within the motion to approve the agenda.

25.4 Delegations speaking before council shall address their remarks to the stated business:

(a) Delegations will be limited to speaking only once; and
(b) Rebuttal or cross debate with other delegations shall not be permitted.

25.5 A maximum of 30 minutes shall be allotted for each delegation to present his or her position of support or opposition.

25.6 Where there are numerous delegates taking the same position on a matter, they are encouraged to select a spokesperson to present their views:

(a) Delegations are encouraged not to repeat information presented by an earlier delegation.
(b) The reeve shall at the conclusion of 30 minutes, inform the delegation that the time limit is up.
(c) Only upon a motion to extend the 30 minute limitation adopted by a majority of members shall the 30 minute limit be extended.
(d) Delegations will not be permitted to assume any unused time allocated to another delegation.

25.7 Upon the completion of a presentation to council by a delegation, any discourse between members and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only:
(a) Members shall not enter into debate with the delegation respecting the presentation; and
(b) Once a motion has been moved, no further representation or questions of the delegation shall be permitted.

26. Delegations – Matters not on Council Agenda

26.1 When a person wishes to speak to council on a matter not on a council agenda, for which a hearing is not required, that person shall notify the administrator in writing, which notice shall include the following:
(a) the name and correct mailing address of the spokesperson;
(b) telephone number where the representative of the delegation can be reached during the day;
(c) originally signed, except when submitted by facsimile or e-mail; and,
(d) clearly setting out the subject matter to be discussed and the request being made of council.

26.2 A request to speak to council pursuant to subsection 26.1 must be received by the administrator no later than the agenda deadline to be included on the agenda.

26.3 In the event that a delegation makes an application to the administrator after the agenda deadline, regarding a subject which is not on the agenda, the administrator will bring the request to the attention of council.
(a) Delegations will be advised by the administrator that they may not be heard by council unless the majority of members vote to allow the delegation to speak within the motion to approve the agenda.

27. Reeve and Councillors Forum

27.1 Statements shall include the sharing of the following information:
(a) events, activities or community functions attended; and
(b) general work of members on behalf of council colleagues, constituents and the municipality.

27.2 All comments will be verbal only and shall not be recorded in the minutes of the meeting.

28. Bylaws

28.1 Every proposed bylaw must have three (3) distinct and separate readings.

28.2 A proposed bylaw must not have more than two (2) readings at a council meeting unless the members present unanimously agree to consider third reading.

28.3 A proposed bylaw will be considered by council immediately following consideration of the report or item to which the bylaw relates.

28.4 Only the title or identifying number has to be read at each reading of the bylaw.

28.5 Each member present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.

28.6 Each member present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had

the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.

28.7 When a bylaw has been given three (3) readings by council, it:
(a) becomes a municipal enactment of the municipality; and
(b) is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.

28.8 The administrator shall be empowered to correct any typographical error that may not have been corrected at the time of submission to council and the bylaw shall have the same status as if council had corrected same.

28.9 After passage, every bylaw shall be signed by the mayor / reeve and the administrator, pursuant to the Act and marked with the corporate seal of the municipality.

29. Public Forum

29.1 Any member of the public wishing to speak to council on a municipal matter, may appear at a council meeting, as long as they pre-register with the administrator prior to 4:30 p.m. the previous day of the council meeting so that their name may be placed on a speakers list.

29.2 The total time allowed to speak shall be not more than 15 minutes per individual or delegation.

30. Recess

30.1 The council may recess at any time during the meeting.

30.2 A motion to recess must state the time of duration of the recess, and must be passed by a majority of the members present.

30.3 The council may reconvene sooner than the time mentioned in the motion of recess, but must not reconvene later that 5 minutes after the time specified for reconvening or the meeting shall be deemed to be adjourned due to a lack of quorum.

31. Adjournment

31.1 All regularly scheduled council meetings shall stand adjourned when the council has completed all business as listed on the order of business.

31.2 Any business which remains on the agenda and which has not been dealt with at the time of adjournment shall be deemed to be postponed until the next regularly scheduled council meeting, or until a special meeting is called for the purpose of dealing with the unfinished items.

PART IV – CONDUCT AT COUNCIL MEETINGS

32. Reeve

32.1 The reeve shall:
(a) preside at all council meetings;
(b) preserve order at council meetings;
(c) enforce the rules of council;
(d) decide points of privilege and points of order; and
(e) advise on points of procedure.

32.2 The reeve shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.

32.3 The reeve shall have the same rights and be subject to the same restrictions as all other members to make a motion.

33. Deputy Reeve

33.1 The council shall, at its first meeting, or as soon thereafter as conveniently possible and whenever the office becomes vacant, appoint from the councillors a deputy reeve who shall hold office for a term of one year or for such longer period as the council may decide, and in any event until a successor is appointed.

33.2 If the reeve, for any reason, is unable to perform the duties of his or her office, the deputy reeve shall have all of the powers of the reeve during the inability.

34. Acting Reeve

34.1 Council shall, appoint a member to act as reeve if:

(a) both the reeve and the deputy reeve, if one has been appointed pursuant to section 33, are unable to perform the duties of his or her office; or

(b) the offices of both the reeve and the deputy reeve are vacant.

34.2 The member to be appointed, pursuant to subsection 34.1, shall be elected by a majority of the members present.

34.3 Where two (2) members have an equal number of votes, the administrator shall:

(a) write the names of those members separately on blank sheets of paper of equal size, colour and texture;

(b) fold the sheets in a uniform manner so the names are concealed;

(c) deposit them in a receptacle; and

(d) direct a person to withdraw one (1) of the sheets.

34.4 The member whose name is on the sheet withdrawn pursuant to subsection 34.3(d) shall be declared elected.

35. Persons Allowed at the Table

35.1 No person, except members, the administrator and other members of administration as authorized by the administrator and such persons as are permitted by the reeve shall be allowed to be seated at the council table during the sittings of the council, without permission of the reeve or other presiding member.

36. Conduct of Public

36.1 All persons in the public gallery at a council meeting shall:

(a) refrain from addressing council or a member unless permitted to do so;

(b) maintain quiet and order;

(c) refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;

(d) refrain from talking on cellular telephones;

(e) refrain from making audio or video recordings of council proceedings; and

(f) ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.

37. Conduct of Delegations

37.1 When addressing members at a council meeting, a delegation shall refrain from:

(a) speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
(b) using offensive words in referring to a member, an employee of the municipality or a member of the public;
(c) reflecting on a vote of council except when moving to rescind or reconsider it;
(d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
(e) shouting or using an immoderate tone, profane, vulgar or offensive language.

38. Conduct of Members

38.1 Members of council wishing to speak at a meeting shall ensure they do not interrupt another member.

38.2 If more than one member wishes to speak at a meeting at the same time, the reeve shall indicate which member shall speak first.

38.3 When addressing a council meeting, a member shall refrain from:

(a) speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
(b) using offensive words in referring to a member, an employee of the municipality or a member of the public;
(c) reflecting on a vote of council except when moving to rescind or reconsider it,
(d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
(e) shouting or using an immoderate tone, profane, vulgar or offensive language.

38.4 When a member is addressing the council, all other members shall:

(a) remain quiet and seated;
(b) refrain from interrupting the speaker, except on a point of order or point of procedure; and
(c) refrain from carrying on a private conversation in such a manner that disturbs the speaker.

38.5 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

39. Improper Conduct

39.1 The reeve may request that any person in the public gallery who disturbs the proceedings of council or acts improperly at a council meeting, as set out in section 38, leave or be expelled from the meeting.

39.2 The reeve may request that any delegation who addresses council improperly as set out in section 38, leave or be expelled from the meeting.

39.3 No person shall refuse to leave a council meeting when requested to do so by the reeve.

39.4 Any person who refuses to leave when requested to do so may be removed.

39.5 If a person disturbs the proceedings of council or refuses to leave when requested to do so, the reeve may recess the meeting until the person leaves or adjourn the meeting to another day.

40. Point of Order

40.1 A member may rise and ask the reeve to rule on a point of order.
40.2 When a point of order is raised, the member speaking shall immediately cease speaking until the reeve decides the point of order raised.
40.3 A point of order must be raised immediately at the time the rules of council are breached.
40.4 The member against whom a point of order is raised may be granted permission by the reeve to explain.
40.5 The reeve may consult the administrator before ruling on a point of order.
40.6 A point of order is not subject to amendment or debate.

41. Point of Privilege

41.1 A member may rise and ask the reeve to rule on a point of privilege.
41.2 After the member has stated the point of privilege, the reeve shall rule whether or not the matter raised is a point of privilege.
41.3 If the matter is determined to be a point of privilege, the member who raised the point of privilege shall be permitted to speak to the matter.
41.4 If the point of privilege concerns a situation, circumstance or event which arose between council meetings, the member shall raise the point of privilege immediately after adoption of the minutes of the previous council meeting.
41.5 The reeve may consult the administrator before ruling on a point of privilege.
41.6 A point of privilege is not subject to amendment or debate unless a motion regarding the point of privilege is put to council.

42. Point of Procedure

42.1 Any member may ask the reeve for an opinion on a point of procedure.
42.2 When a point of procedure is raised, the member speaking shall immediately cease speaking until the reeve responds to the inquiry.
42.3 After the member has asked the point of procedure, the reeve shall provide an opinion on the rules of procedure bearing on the matter before council.
42.4 The reeve may consult the administrator before providing an opinion on the point of procedure.
42.5 A point of procedure is not subject to amendment or debate.
42.6 The reeve's answer to a point of procedure is not a ruling, and cannot be appealed to the whole of council.

43. Appeal

43.1 Whenever a member wishes to appeal any ruling of the reeve or a point of order or point of privilege to the whole of council:
(a) the motion of appeal, "that the decision of the chair be overruled" shall be made;
(b) the member may offer a brief reason for the challenge;
(c) the reeve may state the reason for the decision; and
(d) following which the question shall be put immediately without debate.
43.2 The reeve shall be governed by the vote of the majority of the members present.

43.3 A ruling of the reeve must be appealed immediately after ruling is made or the ruling will be final.

44. Calling a Member to Order

44.1 When the reeve calls a member to order, the member shall resume his or her seat, but may afterwards explain his or her position in making the remark for which he or she was called to order.

44.2 In the event that a member refuses to resume his or her seat when called to order, the reeve shall request the deputy reeve, or if the deputy reeve is absent or is the unruly member, any other member of council to move a resolution to remove the unruly member either:

(a) for the balance of the meeting,
(b) until a time which shall be stated in the motion, or
(c) until the member makes an apology acceptable to council for his or her unruly behavior, whichever shall be the shortest time.

44.3 When the majority of council votes in favour of the resolution, the reeve shall direct the unruly member to leave the council chamber, and if the member refuses to leave, the reeve may:

(a) recess the meeting until the person leaves or adjourn the meeting to another day; or
(b) direct that law enforcement officials be engaged to assist in the removal of the unruly member.

44.4 When council has directed an unruly member to leave the council chambers, and the member so directed makes an explanation and apology adequate and satisfactory to the council, it may, by a majority vote of the remaining members present, allow the offending member to remain in his or her place if he or she has not left or been removed, or to retake his or her place.

PART V – MOTIONS

45. Motions and Debate

45.1 A motion shall express fully and clearly the intent of the mover and shall not be preceded by any preamble or whereas clauses.

45.2 Any member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member while speaking.

45.3 Debate may occur before a main motion is moved.

45.4 When a motion is under debate no other motion may be made, except a motion to:

(a) amend a motion;
(b) refer motion to a council committee or administration for a report back to council;
(c) postpone a motion to a fixed date;
(d) request that a motion be put to a vote;
(e) extend the time for a council meeting; or
(f) adjourn the meeting.

45.5 Notwithstanding any other provisions of this bylaw, the member, who moved a motion after a motion is under debate, may, with the consent of council:

(a) on his or her own initiative while he or she is speaking on the same; or
(b) when requested by another member speaking on the motion;

change the wording of the motion, or agree to a change proposed by another member, if the alteration does not change the intention of the motion.

45.6 Any motions allowed under subsection 45.4 shall be considered in the order in which they were moved.

46. Motion to Amendments

46.1 Except as provided in subsection 46.12, any motion may be amended to:
(a) add words within the motion;
(b) delete words within the motion; or
(c) change a word or words within the motion.

46.2 The amending motion must be:
(a) relevant to the main motion;
(b) made while the main motion is under consideration; and
(c) consistent with the principle embodied in the main motion.

46.3 An amending motion may also be amended.

46.4 A sub amendment must be:
(a) relevant to the original amendment;
(b) made while the original amendment is under consideration; and
(c) consistent with the intent of either the original amendment or the main motion.

46.5 Only two (2) amendments to a motion, an amendment and a sub amendment, are allowed at the same time. When one or both have been dealt with, a further amendment or sub amendment may be entertained.

46.6 There is no limit to the number of amendments or sub amendments that may be proposed.

46.7 An amendment may be introduced at any stage before the question is put on the main motion provided there is not more than one amendment and one sub amendment before the meeting at one time.

46.8 Any member wishing to move an amendment that is not in order at the time because there are already two amendments before the meeting may state the intention of the proposed amendment, as the proposal may affect the vote on those motions awaiting decision.

46.9 The main motion shall not be debated until all amendments to it have been put to a vote.

46.10 Amendments shall be put in the reverse order to the order in which they were moved.

46.11 When all amendments have been voted on, the main motion incorporating all amendments adopted shall be put to a vote.

46.12 No amendments shall be made to the following motions:
(a) a motion to adjourn;
(b) a motion to defer to a fixed date, except as to the date; and
(c) a motion requesting that a motion be put to a vote.

47. Dividing a Motion into Parts

47.1 A member may request or the reeve may direct that a motion be divided if the motion contains more than one separate and complete recommendation.

47.2 Council shall then vote separately on each recommendation.

47.3 A new motion to add a further recommendation is permitted provided:
(a) the proposed recommendation is relevant to the original motion;

(b) the proposed recommendation does not alter in a significant way the principle embodied in the original motion; and
(c) the original motion has been dealt with.

48. Motion Arising

48.1 When a particular matter is before council, a motion arising on the same matter is permitted provided:
(a) the proposed motion is related to and rises from the item which has just been considered;
(b) the proposed motion does not alter in a significant way the principle embodied in the original motion; and
(c) the proposed motion is made before the consideration of any other item of business at the meeting.

49. Request that Motion be put to Vote

49.1 A motion requesting that a motion be put to a vote shall not be moved or by a member who has spoken to the original motion.
49.2 A motion requesting that a motion be put to a vote shall not be amended or debated.
49.3 If a motion requesting that a motion be put to a vote is passed by council, the original motion shall immediately be put to a vote of council without any amendment or debate.
49.4 If a motion requesting that a motion be put to a vote is not passed by council, the original question may be amended or debated.

50. Motion to Adjourn

50.1 A member may move a motion to adjourn a meeting at any time, except when:
(a) another member is in possession of the floor;
(b) a call for a recorded vote has been made;
(c) the members are voting;
(d) when council is considering a motion requesting that a motion be put to a vote; or
(e) a previous motion to adjourn has been defeated and no other intermediate proceeding has taken place.
50.2 A motion to adjourn shall be decided without debate.

51. Motion to Move to a Closed Meeting

51.1 A member may make a motion that a council meeting move to a closed meeting.
51.2 The motion to move to a closed meeting must:
(a) be in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*;
(b) the titles or subject of the item(s) to be discussed; and
(c) include the reason for the council meeting to be held in a closed meeting.
51.3 No bylaw or resolution shall be passed during a closed meeting.

52. Motion Contrary to Rules

52.1 The reeve may refuse to put to council a motion which is, in the opinion of the reeve, contrary to the rules and privileges of council.

53. Withdrawal of Motions

53.1 The mover of a motion may withdraw it at any time prior to a vote being taken or prior to the motion being amended.

54. Motion to Reconsider

54.1 A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by council.

54.2 A motion to reconsider is in order whether the original motion passed or failed.

54.3 A motion to reconsider may only be made at the same council meeting as the original motion was voted on.

54.4 A motion to reconsider must be moved by a member who voted with the prevailing side of the original motion.

54.5 When a motion loses on a tied vote, the prevailing side is those who voted against the motion.

54.6 A motion to reconsider may be seconded by any member regardless how the member voted on the original motion.

54.7 A motion to reconsider is debatable only if the motion being reconsidered is debatable.

54.8 A motion to reconsider cannot be amended.

54.9 A motion to reconsider shall require a majority vote of the members present at the meeting.

54.10 If a motion to reconsider is adopted, the original motion is immediately placed before council to be reconsidered.

54.11 Once a vote on a motion to reconsider has taken place, there shall be no further motion to reconsider that resolution.

55. Motion to Rescind

55.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by council.

55.2 A motion to rescind is in order only when the original motion passed. No motion to rescind shall be necessary when the original motion failed.

55.3 A motion to rescind may be made at any time following the council meeting at which the original motion was voted on regardless of the time that has elapsed since the original vote was taken.

55.4 A motion to rescind may be moved by any council member regardless how they voted on the original motion.

55.5 A motion to rescind is debatable.

55.6 A motion to rescind may be amended.

55.7 A motion to rescind shall, in all cases, require a majority vote of all council members to pass.

55.8 A motion cannot be rescinded:

(a) when the making or calling up of a motion to reconsider is in order;

(b) when action on the motion has been carried out in a way that cannot be undone; or

(c) when a resignation has been accepted or actions electing or expelling a person from membership or office have been taken.

56. Motion to Postpone

56.1 Where a majority of all members decide to postpone a motion to a fixed date, the motion cannot be considered by council until the fixed date.

56.2 Notwithstanding subsection 59.1, council may consider a postponed motion before the fixed date if a majority of members agree that the motion may be considered before that date.

56.3 The only amendment allowed to a motion to postpone to a fixed date is to change the date.

57. Motion to Refer

57.1 A motion to refer a matter shall not be amended or debated except with respect to the conditions of the referral or the time required to carry out the review.

57.2 A member making a referral motion generally should include in the motion:
(a) the terms on which the motion is being referred; and
(b) the time when the matter is to be returned.

58. Debate on Motion

58.1 No member shall speak more than once to a motion, until each member has been provided an opportunity to speak on the motion, except to explain a material part of their speech which may have been misquoted or misunderstood.

58.2 The mover of the motion shall be given the first opportunity to speak.

58.3 The mover of the motion shall be allowed a reply at the conclusion of the debate.

59. Legal Advice

59.1 Where a majority of the members present at a council meeting wish to receive legal advice in private, council may recess for a period of time sufficient to receive legal advice.

60. Voting of council

60.1 A member attending a council meeting shall vote at the meeting on a matter before council unless the member is required to abstain from voting pursuant to the Act or any other Act.

60.2 If a member is not required to abstain from voting on a matter before council and abstains from voting, the council member is deemed to have voted in the negative.

60.3 The administrator shall ensure that each abstention is recorded in the minutes of the meeting.

61. Voting of Reeve

61.1 The reeve shall vote with the other members on all questions.

62. Majority Decision

62.1 Unless a greater percentage of votes is required by any provision of this bylaw, at every council meeting, all questions are to be decided by a majority vote of the members present.

63. Recorded Vote

63.1 Before a vote is taken by council, a member may request that the vote be recorded.

63.2 If a vote is recorded, the minutes must show the names of the members present and whether each voted for or against the proposal or abstained.

64. Tied Vote

64.1 If there are an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

PART VI – COMMITTEES

65. Procedure for Appointments

65.1 The administrator shall utilize the following procedure for appointments to committees:

(a) Prior to November 1st, invite submissions from members of council for appointments to which council is entitled to make appointments to in the ensuing term;

(b) Obtain information from the various committees that council is entitled to make appointments to in the ensuing term regarding the dates and times of their regular meetings and the attendance by council appointed representatives in the previous term; and

(c) Compile all applications received and provide the compiled applications to council.

66. Term

66.1 Appointments to committees shall be for a one (1) year term beginning on January 1st to December 31st of the following year.

66.2 Appointees may be reappointed from term to term

66.3 The administrator or committee secretary shall advise council of any members absent for more than two (2) meetings within a calendar year, and request that a warning correspondence be forwarded to the member, as well, if the member misses three (3) meetings, within a calendar year, council be advised to decide if the member should be removed from the committee.

66.4 Council may, in its discretion, revoke the membership of any individual whom has been appointed to a committee.

67. Committee Procedures

67.1 Council may from time to time establish a committee in response to specific issues requiring immediate or long term attention.

67.2 The membership and jurisdiction of a committee shall be as provided for in the enabling legislation or as directed by council.

67.3 The reeve is an ex-officio voting member of all committees established by council pursuant to the Act, unless council provides otherwise, and when in attendance, possesses all of the rights, privileges, powers and duties of other members, whether elected or appointed.

67.4 The reeve's attendance shall not, however, be included for the purpose of determining a quorum.

67.5 Municipal officials shall act only in an advisory capacity to committees of council and shall not be considered voting members or have any voting privileges in respect to participation on any committee appointment.

67.6 The chair of all committees established by council shall be designated by council, unless council directs otherwise.

67.7 All councillors may attend the meetings of committees established pursuant to the Act, and may take part in the proceedings of the same, except that non-committee members shall not have a vote.

67.8 Each committee shall meet as soon as possible after it has been appointed and where a chair has not been appointed by council, members of that committee shall select a chair and vice-chair, and if required, decide the day and time for holding its regular meetings.

67.9 The chair shall preside at every meeting, participate in the debate and shall vote on all motions.

67.10 In the absence of the chair, the vice-chair shall preside, and in the absence of both the chair and the vice-chair, one (1) of the other members of the committee shall be elected to preside, and shall discharge the duties of the chair during the meeting or until the arrival of the chair or Vice-chair.

67.11 An act or proceeding of a committee is not effective unless it is authorized or adopted by a resolution at a duly constituted public committee meeting.

67.12 Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.

67.13 Subject to subsection 11, committees shall conduct all committee meetings in public.

67.14 Committees may close all or part of the meeting if the matter to be discussed is within one (1) of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

67.15 Notice of regularly scheduled committee meetings is not required to be given.

67.16 If a committee changes the date, time or place of a regularly scheduled meeting, the Secretary shall give at least twenty-four (24) hours' notice of the change to:

(a) any members of the committee not present at the meeting at which the change was made; and

(b) the public.

67.17 Notwithstanding subsection 67.16, a committee meeting may be held with less than twenty-four (24) hours' notice to all members and without notice to the public if all committee members agree to do so, in writing, immediately before the beginning of the meeting.

67.18 The consent to waive notice of a change in date, time or place of a meeting pursuant to subsection 67.17 may be given in person or by facsimile, electronic mail and other similar means.

67.19 If a committee cancels its regularly scheduled meeting, the secretary of the committee shall give at least twenty-four (24) hours' notice of the change to:

(a) all members not present at the meeting at which the decision to cancel was made; and

(b) the public.

67.20 The Secretary shall call a special meeting of a committee whenever requested to do so, in writing, by the chair or by a majority of the committee members in the same manner as set out in subsection 67.17.

67.21 For committees operating without regularly scheduled meeting, it shall be the duty of the chair, or in the chair's absence, the Secretary to call a meeting of the committee whenever requested in writing to do so by a majority of the committee.

67.22 The business of committees shall be conducted in accordance with the rules governing the procedure of council or as otherwise established by council for the committee or established by the committee.

67.23 Each committee, whom the administrator does not provide secretarial services to, will recommend to the administrator the appointment of a Secretary, who will be responsible for:
(a) tracking the attendance;
(b) preparing meeting agendas and minutes; and
(c) reporting the committee's decisions to council.

67.24 When a person, or a group of persons, wishes to bring any matter to the attention of a committee or appear as a delegation, a communication shall be addressed to the administrator or the secretary and will be subject to the requirements set out in sections 22 to 26 of this bylaw.

67.25 Upon receipt of such communication, the administrator or Secretary shall place the communication on the agenda of the next meeting of the committee for its consideration;

67.26 All submissions to committees must be received by the administrator or Secretary within the established deadlines, usually four (4) business days prior to the meeting.

67.27 Reporting to committees shall be provided through the administrator or the secretary.

67.28 Any notice respecting a committee meeting is deemed to have been given to a member if the notice is:
(a) delivered personally;
(b) left at the usual place of business or residence of the member; or
(c) at the request of the member, provided or sent to the member by ordinary mail, telephone or voice mail, facsimile or electronic mail or similar method at the number or address specified by the member.

67.29 Notice to the public of a committee meeting as required by subsections 67.16 to 67.19 is sufficient if the notice is posted at the municipal office.

67.30 Any unfinished business remaining at the time of the adjournment shall be considered at the next regular meeting of the committee or at a special meeting called for that purpose.

67.31 The Secretary shall record the minutes, without note or comment.

67.32 The minutes of the committee shall be distributed to each member at least twenty-four (24) hours' before the next committee meeting for consideration.

67.33 After the minutes have received approval of a majority of the members present, they shall be signed by the presiding member and secretary. Once signed, the original minutes shall be forwarded to the administrator for presentation to council and for safekeeping.

67.34 All minutes, once approved, shall be open for inspection by the public.

67.35 No member shall release or otherwise make public any information considered at a closed meeting, including discussion of the content of such a meeting with persons other than with members of council or with civic staff who are privy to that information:
(a) unless authorized by council; or
(b) until the matter is included on a public agenda of council.

67.36 Every committee shall report to council, and no action of any committee shall be binding on the municipality unless:
(a) power to take such action is expressly conferred on the committee by legislation, bylaw or resolution of council; or,
(b) council has considered the report of the committee and if adopted, shall become the resolve of council.

67.37 The conduct of delegations or the public at committee meetings, which they are entitled to attend, shall be subject to the requirements as set out in section 37 of this bylaw.

67.38 The conduct of members shall be subject to the requirements as set out in section 38 of this bylaw.

67.39 The chair may request any individual to be expelled from a meeting, in accordance with the guidelines as set out in section 39 of this bylaw.

_____
Reeve

[SEAL]

_____
Administrator

Read a third time and adopted
this ____ day of _____

_____
Administrator

Bylaw # 1-2016
Form 1 – Request for a Special Meeting

Date: _____
To: _____, Administrator, R.M. of Mariposa No. 350

Pursuant to section 123 of the Act, I / we hereby request you to call a special meeting of the Council of the R.M. of Mariposa No. 350 to discuss the following matter(s):

1. _____
2. _____
3. _____

Meeting Details:
Location: ___
Date: ___
Time: ___

Dated this ___ day of _____, 20__

SIGNED:
Name: _____
Name: _____
Name: _____
Name: _____

_____
Office Use Only:

|__| Members provided notice pursuant to subsection ____ of the Act
|__| Notice not provided pursuant to subsection ____ of the Act

Bylaw # 1-2016
Form 2 – Request for Method of Providing Notice

Date: _____
To: _____, Administrator, Rural Municipality of Mariposa No. 350
From: _____ (name of council member)

Pursuant to clause ____ of the Act, I hereby request notice of council or committee meetings be provided to me by the alternate means:

[_] By regular mail (address)
[_] By telephone or voice mail (telephone number)
[_] By facsimile (fax number)
[_] By email (email address)
Check one of the above

This request remains in force until the end of my current term of office unless sooner revoked by me in writing.

Dated this ___ day of _____, 20__

_____
(signature of member)